

Warm Springs Tribal Council Resolutions passed in March and April 2001

The passage of **Resolution No. 9986** on March 12, 2001, authorized the Secretary/Treasurer to apply for a grant from the Administration for Native Americans (ANA) in the amount of \$125,000 per year for three years. The purpose is to complete a directive from the Comprehensive Plan (The People's Plan) for the Education & Personnel Branch to establish and implement a language program designed to maintain and preserve our native Sahaptin, Wasco and Paiute languages.

By passing **Resolution No. 9987** on March 14, 2001, the Tribal Council amended Ordinance 74 to incorporate changes providing permanent status for the Integrated Resources Management Plan (IRMP). The Tribal Council approved and adopted the revised plan for the Forested Area, and the revised management zones representing the Balanced Approach to resource management as a permanent plan without an expiration date. The Resource Management Interdisciplinary Team will conduct a formal review of the IRMP at least once every five years. The general manager of the Natural Resources Department has primary responsibility for enforcement of the IRMP.

Resolution No. 9988 authorizes the Secretary/Treasurer to take \$338,000, 10% of the General Fund surplus from the year 2000, and transfer it to the Revenue Reserve Fund. The Tribal Revenue Fund was established to ensure that the Confederated Tribes have financial resources to protect the long-term financial stability of the Tribes, to take advantage of future opportunities, and to secure necessary borrowing and for other purposes.

On March 19, 2001, the Tribal Council passed **Resolution No. 9989** approving the following as enrolled members in accordance with Resolution No. 4301.

	NOTED:
Andy, Marissa Lynn	02/16/01
Culps, Alyssa Telese	03/16/01
Edwards, Alexia Larae	03/13/01
Flores, Justin	03/07/01
Garcia, Byron	03/16/01
Hanslovan, Loree Dee	03/16/01
Johnson, Alony Desmona	03/16/01
Johnson, Courtney Dennis	03/13/01
Kalama, Aiyanna Flora	03/02/01
LeClaire, Tyler Dean Arthur	03/07/01
Leonard, Jeston Wade	02/26/01
Moody, Monique Charise	03/14/01
Munson, Brittany Nicole	03/07/01
Munson, David James	03/07/01
Queahpama -Scott Eric Arturo	03/12/01
Spino, Joycelynn Rose	03/16/01
Thomas, Jones Williams	03/07/01
Tom, Corbett Isaac Jr.	02/20/01
Whipple, Annalise Marie	03/05/01
Zamora-Heath, Jackie Night	03/16/01
Alonso, Wilma Ida	03/06/01
Decora, Anna Queen	02/12/01
Eriza, Ellikaya Mariyalynn	03/03/01
Jim, Ione Kendalynn Lee	01/22/01
Laliberte, Justin Gary Wade	01/22/01
Lopez, Jarron Jamie	02/15/01
Lopez-Eriza, Elias Efrain	03/16/01
Nelson, Donminic Keith	01/22/01
Orozco, Olivia Rose	02/06/01
Orozco, Elisa Anadaisa	02/06/01
Reynoso, Isaac Leo	02/09/01
Santos-Howe, Damian Lee	02/28/01
Saludo-Sanchez, Maureen	03/06/01
Sarabia, Roman Sandoval	02/16/01
Smith, Jaron James	02/21/01
Stanley, Jerome Albert Jr.	01/22/01
Tapia, Darrin Miguel	03/06/01
Bailey, Connie Lee	02/13/01
Clements, Jerry Allen	03/09/01
DeLarosa, Elizabeth Brittany Ann	03/02/01
Garcia, Reuben Nick	03/09/01
Henry, William Anthony	03/06/01
Hofsetter, Andrew Richard	03/09/01
Kaleak, Ina	03/09/01
Lovincey, Special Lamontey	03/16/01
Martinez, Paul Alexander	02/16/01
Martinez, Dennis Ray	02/16/01
Martinez, Ernestine	02/16/01
Martinez, Rose Mary	02/16/01
Martinez, Rosella	02/16/01
Nejal, Paisley Pilch Marie	03/16/01
Nejal, Sweet Water Ariel	03/16/01
Nelson, Tamara Jeanette	03/15/01
Queahpama-Scott, Adrian Rafael	03/12/01
Shaw, Shawnele Bernice	02/22/01
Silguero, Maria Ellena	03/06/01

Five applicants were denied membership because of blood degree.

The Tribal Council passed **Resolution No. 9990** on March 19, 2001 asking the Secretary of the Interior to approve an election date of May 22, 2001, for the purpose of voting on adoptions. At least fifty percent (50%) of the members entitled to vote are required to vote in the election and in order to be adopted, each person must receive a majority vote of the qualified voters.

To restore anadromous fish in the Columbia River Basin, the Confederated Tribes supports the Columbia River Inter-Tribal Fish Commission's use of US Environmental Protection Agency General Assistance Program (GAP) funds for technical assistance to the tribe, consistent with the Tribal Restoration Plan. **Resolution No. 9991** authorizes the Executive Director of the Columbia River Inter-Tribal Fish Commission to submit a grant proposal to the United States Environmental Protection Agency General Assistance Program this year and during each of the subsequent three years to be used to develop tribal capacity to plan, coordinate, and implement watershed and habitat restoration activities.

The Warm Springs Worker's Compensation Committee proposed amendments to the Tribal Council after reviewing the operation of the Workers' Compensation program since Chapter 375 became effective in March 1988, and since the last amendments update of the Workers' Compensation Code approved by the Tribal Council by Resolution No. 9105, on August 7, 1995. After hearing the recommendations of the Committee, the Tribal Council passed **Resolution No. 9992** approving the amendments.

With the passage of **Resolution No. 9993**, on March 20, 2002, Margie Tuckta was appointed to the Warm Springs Workers' Compensation Committee representing Indian Head Casino, and Jacob Cochise was appointed to the Workers' Compensation Committee representing Warm Springs Composite Products.

In Reviewing the proposed "Interim Management Agreement for Upriver Spring Chinook, Summer Chinook and Sockeye", that would govern mainstem Columbia River Spring Chinook and Sockeye salmon harvest and production measures for the 2001-2003 fishing seasons, the Tribal Council passed **Resolution No. 9994**. Tribal Council determined that approval of the agreement is in the best interest of the Confederated Tribes and its members and will help to protect the off-reser-

vation treaty fishing rights reserved in the Treaty with the Tribes of Middle Oregon of June 25, 1855.

The Confederated Tribes and the State of Oregon have a long history of cooperative intergovernmental agreements. In passing **Resolution No. 9995**, the Tribal Council acknowledged that the Joint Statement of Principles by the Confederated Tribes and the Oregon Department of Justice regarding Tribal-State Agreements sets forth the parties' understandings and should provide a means to facilitate intergovernmental agreements between the Tribe and the State, and their agencies. With the resolution, the Tribal Council approved the Chairman to execute the Joint Statement. In essence, it means that the Tribes and the State of Oregon will continue to work toward satisfactory intergovernmental agreements, which meet the needs and purposes of each sovereign.

The Fish and Wildlife Committee recommended to Tribal Council that the National Marine Fisheries Service and the other Parties to the 2001-2003 Interim Management Agreement for Spring Chinook, Summer Chinook, and Sockeye have agreed to a treaty Indian harvest of the upriver Spring Chinook salmon run not to exceed 13% of the run. Agreeing to the committee's recommendation, Tribal Council passed **Resolution No. 9996**. The resolution sets the Confederated Tribes' share of the allowable Spring Chinook salmon gillnet harvest limit to 1700 Spring Chinook.

The Tribal Council was advised by the Fish and Wildlife Committee and the Department of Natural Resources Technical/Biological staff that the predicted return of Deschutes River wild Spring Chinook salmon will require a harvest restriction on the treaty fishery for wild Spring Chinook salmon to ensure optimal spawning escapement. **Resolution No. 9997** set the season as beginning April 1, 2001 and ending June 15, 2001. The resolution included a number of restrictive regulations for tribal subsistence fishing at Sherars Falls and other locations on the Deschutes River. It stated that the Warm Springs River and all its tributaries will be closed to all fishing for Spring Chinook salmon and steelhead for protection of those stocks.

The Bureau of Indian Affairs and the Confederated Tribes agreed to submit 7 road construction projects for fiscal year 2001. These projects are an integral part of the future of Warm Springs housing plans and school bus routes. The Bureau and the Tribes' Construction Enterprise estimate that the cost to construct these projects is approximately \$5,419,390.00. An actual cost proposal will be negotiated for the purpose of entering into a contract between the BIA and the Tribal Construction Department. **Resolution No. 9998** gives the Secretary Treasurer the authority to make application, negotiate and execute the contract on behalf of the Tribe.

Citing a need for extension of an electric service line to serve Salmon Drive, Sunnyside Subdivision, Phase II, the Tribal Council passed **Resolution No. 9999** authorizing a service line over and across Tribal Tract No. T3821 for purposes of the electric distribution line to serve Salmon Drive, Sunnyside Subdivision, Phase II, at a construction cost estimate of \$57,126.00.

Resolution No. 10000 authorized a 50 year, 5 acre home site lease of tribal land in the Seeksequea area to Flint Scott.

The Tribal Council passed Resolution No. 5546 on August 20, 1979 to approve and authorize the purchase of fee property from Paul Shoen and Ed Hagen. That property has become known as the Shoen Hagen property. **Resolution No. 10001**, passed on March 21, 2001, mandates that Resolution No. 5546 be amended to provide for the necessary request by the Tribes to the Bureau of Indian Affairs to commence with the transfer of the Shoen Hagen property to trust status for the use and benefit of the Tribes.

The Tribal Council passed Resolution No. 8059 on July 3, 1990 authorizing the purchase of fee property from Jack V. Eyerly. The property, 197 acres located on the south bank of the reservoir formed by the Round Butte Dam Hydro-Electric Project at the confluence of the Metolius River where it meets Lake Billy Chinook, is known as the "Eyerly" property. The Resolution authorized the purchase of the property but didn't provide for the Tribes request to transfer the property to trust status. **Resolution No. 10002** authorizes that Resolution No. 8059 be amended to provide for the request to the BIA to transfer the property to trust status. It also requests Metolius Properties Corporation to transfer title ownership to the Tribes for purposes of facilitating the trust conversion.

Resolution No. 7445, passed on August 19, 1967, authorizing the purchase of fee property from FTT Real Estate Associates, Inc. The 104.61-acre property, known as the "Lake Billy Chinook #1" property, is situated on the south bank of the reservoir formed by the Round Butte Dam Hydro-Electric Project. The original resolution did not provide for the Tribes request to the BIA to transfer the property to trust status. On March 21, 2001, the Tribal Council passed **Resolution No. 10003**. The resolution calls for a change of title ownership from the Metolius Land Company to the Tribes, and requests the BIA to transfer the property to trust status.

On July 23, 1991, The Tribe purchased property in the Pine Grove area. The property is within the Juniper Flat irrigation district. The Juniper Flat District Improvement Company is completing the House Bill 3111 process that allows re-adjudication of the district's water rights. The Tribe's adjudication shows two primary water rights on the Pine Grove property. The two being the 20 acres the Tribes have through the district (Detwiler Pond) and the acres that are allocated to the sump pond (Johnson Pond). House Bill 3111 requires that one of these be supplemental to the other. By passing **Resolution No. 10004**, the Tribes agree that because the district water right (Detwiler Pond) pre-dates the sump pond (Johnson Pond) water right, the latter needs to become supplemental to the former and thereby making the district's right primary through the Affidavit For The Partial Diminution Of A Water Right Certificate.

Resolution No. 10005 was the first of a number of resolutions dealing with land purchases passed by the Tribal Council on March 21, 2001. The resolution authorized the purchase of an undivided 1/15 interest in Warm Springs Allotment No. 82, Dick Turpin, deceased, at the negotiated consideration of \$4,800.00. The consideration to be paid from programmed land purchase funds.

Resolution No. 10006 authorized the purchase of five acres in Warm Springs Allotment No. 370-B, Pe-ai-yet, deceased, at the negotiated consideration of \$3,400.00. The consideration to be paid from programmed land purchase funds.

Resolution No. 10007 authorized the purchase of an undivided 1/8 interest in Warm Springs Allotment No. 652-A, William Symentire, deceased, at the negotiated consideration of \$3,075.00. The consideration to be paid from programmed land purchase funds.

The Confederated Tribes purchased an undivided 980/80,640 interest in Warm Springs Allotment No. 577, Edward Holliquilla, deceased, at the negotiated consideration of \$1,178.81. The consideration to be paid from programmed land purchase funds, and was endorsed by **Resolution No. 10008**.

Resolution No. 10009 called for the Tribe to purchase an undivided 2/128 interest in Warm Springs Allotment No. 626, Ka-shi-at, deceased, at the negotiated consideration of \$2,200.00. The consideration to be paid from programmed land purchase funds.

Resolution No. 10010 enabled the Tribe to purchase an undivided 1/32 interest in Warm Springs Allotment No. 949, Hu-nai, deceased, at the negotiated consideration of \$3,656.25. The consideration to be

paid from programmed land purchase funds.

In recent years, the mountain pine beetle has heavily damaged the lodge pole pine stands in the Biddle Pass area of the Reservation. The Branch of Forestry and the Natural Resources Branch have done initial surveys of the area impacted by the mountain pine beetle. The initial estimated volume available for salvage could be as high as 10-16 million board feet, depending upon the salvage plan selected. Following the Integrated Resources Management Plan, the branches believe salvage of insect killed and damaged trees in the Conditional Use area of Biddle Pass can be accomplished with minimal resource impacts. Tribal Council passed **Resolution No. 10011** authorizing the Branch of Forestry and the Natural Resources Branch to proceed with a salvage operation plan of insect killed and damaged timber in the Conditional Use area of Biddle Pass.

Citing a need to adopt rules and regulations governing the operation of the new Warm Springs Community Water and Sewer System, the Tribal Council passed **Resolution No. 10012**. A document attached to the resolution entitled Warm Springs Water and Sewer System Act satisfied the need for rules and regulations governing the operation of the water and sewer system. The Warm Springs Water and Sewer System Act, Warm Springs Tribal Code Chapter 431, was adopted as Revised Tribal Ordinance No. 62.

On April 9, 2001, the Tribal Council passed **Resolution No. 10013** enrolling the following as members of the Confederated Tribes of the Warm Springs Reservation of Oregon.

	NOTED:
Ivanna Joan Bailey	03/26/01
Liandro Briseno	01/20/01
Trenton Lawrence James Calica	03/27/01
Murry Allen Harris	03/22/01
Alyssa Ann McGill-Boise	03/28/01
Anita Mae Silguero Mendoza	03/14/01
Julian Augustine Queahpama	03/12/01
Adam Gabriel Rubio, Jr.	03/12/01
Daniel Antonio Samuels	03/27/01

Tribal Council addressed leases pertaining to the Baptists church facilities on April 9, 2001. With the passage of **Resolutions No. 10014** and **10015**, the Tribal Council complied with the desire of the Home Mission Board of the Southern Baptists Convention Inc. to transfer management of mission properties to local entities. The leases were transferred to the Juniper Baptists Association of Bend, Oregon.

Resolution No. 10016 authorized the United States Postal Service to exercise their option to renew Lease No. 3131, for an additional Five-year term beginning September 01, 1999 through August 31, 2004. A new appraisal was done bringing the rental value up from \$591.66 per month to the current rental of \$658.34.

Tribal Council passed **Resolution No. 10017** authorizing the completion of the transfer process for taking fee land into trust before new department of Interior trust regulations changed April 15, 2001. Nineteen parcels of tribally owned fee land next to or within the boundaries of the reservation were included.

The Tribe and the BPA have negotiated the terms of a Memorandum of Agreement for the acquisition, operation, and maintenance of Oxbow Ranch by the Tribe. **Resolution No. 10018** authorizes the Secretary-Treasurer to execute the "Oxbow Ranch Memorandum of Agreement" between the Tribe and the BPA, and the Real Estate Sale Agreement between the Tribe and The Nature Conservancy for the acquisition of Oxbow Ranch, contingent upon approval by the BPA.

The Tribal Council reviewed a proposed Memorandum of Understanding between the Tribe and the School District, setting out how a new Warm Springs Elementary School, to be owned by the Tribe and operated by the School District, would be jointly financed and constructed. **Resolution No. 10019** authorizes the Tribal Council Chairman, or his designee to execute the Memorandum of Understanding.

The Confederated Tribes acquired the real properties, adjacent to existing trust lands within an area ceded by the Treaty of June 25th, 1855. Stating that having title to such lands held by the United States of America, is in the best interests of the Tribes, the Tribal Council passed **Resolution No. 10020**. The resolution formally requests that

the Secretary of the Interior take title to those lands in trust, for the benefit of the Tribes.

Tribal Council stated that to address the reservation's economy and employment, an Economic Development Corporation was recently created to identify and develop appropriate industries on the reservation. Tribal Council passed **Resolution No. 10021**, authorizing the Secretary-Treasurer to apply for a grant from the Economic Development Administration (EDA) and other sources for the purpose of completing an industrial lands assessment and master plan.

Resolution No. 10022 was passed to certify the Tribal Council election. There were 1034 voting with 17 spoiled ballots.

Resolution No. 10023 authorized a referendum on approving a new school. The following question was submitted to a referendum on May 16, 2001: *Shall there be appropriated from available funds including the Revenue Reserve Fund, of the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribe), and shall the Tribe be authorized to borrow all or any portion of such funds by issuing tribal bonds or by any other means, up to \$8 million for the purposes of designing and constructing a kindergarten through fifth grade public elementary school, with Jefferson County School District 509-J reimbursing the Tribe over a 20 year period for one-half of the total cost of financing and constructing the school.*

The Confederated Tribes has been pursuing a liability claim against the United States for breach of its trust responsibility in connection with the 1990 McQuinn Strip Blowdown Timber Sale. An Appeal of the United States Court of Claims decision in the case is pending. An offer of \$4.5 million has been made to the Tribes. **Resolution No. 10024** calls for the acceptance of the offer with the following conditions:

1. The United States shall make payments to the Client Trust Account of the Tribal Attorneys, Kamopp, Peterson, Noteboom, Hansen, Arnett and Sayeg of Bend Oregon, not later than May 1, 2001;
2. In the event such payment is made in a timely manner, the Tribal Attorneys are authorized to immediately execute a Settlement Agreement, in form acceptable to them;
3. Upon full execution of an acceptable Settlement Agreement, the Tribal Attorneys are directed to immediately seek the dismissal, with prejudice, of the tribes' pending appeal;
4. The Tribal Attorney shall make payment to the Tribal Treasury of the settlement amount of \$4,500,000 immediately upon the dismissal of the appeal;

On April 30, 2001, the Tribal Council passed **Resolution No. 10025**. The resolution pertains to providing for the working capital financing needs of Warm Springs Forest Products Industries ("WSFPI"). The General Manager of WSFPI entered into negotiations with Wells Fargo Bank, and reported to the Board of Directors that he successfully negotiated for WSFPI's working capital, up to the amount of \$2,000,000. The Board of Directors determined that it is in the best interests of WSFPI and the Tribes for WSFPI to enter into the agreement, subject to the approval of the Tribal Council and the Secretary of the Interior. **Resolution No. 10025** authorizes ratification of the agreement and directs the Secretary-Treasurer to take any necessary action, on behalf of the Tribe.

Tribal Council passed **Resolution No. 10026** authorizing Tribal Attorney Dennis Kamopp to execute any necessary documents required for the closing of the purchase of three properties in the Hood River area. The Confederated Tribes are purchasing the Bryant property for the sum of \$750,000; the Houston property for the sum of \$395,000; and the Christian property for the sum of \$400,000.

The tribal referendum approving the Global Settlement Agreement, on April 12, 2000, authorized the Tribe to borrow money to invest in the PGE/Confederated Tribes partnership. It was determined that the most prudent form of financing these costs is through short-term borrowing from PGE. The partnership agreed that the borrowing will be secured by a pledge of a portion of the Tribe's power sales from the project. **Resolution No. 10027** authorizes the Secretary-Treasurer, with the concurrence of the Warm Springs Power Enterprise Chairman of the Board, Warm Springs Power Enterprise General Manager, Tribal Attorney, Chief Financial Officer, and Consulting Engineer, to enter into a fixed price contract with PGE for the sale of power for calendar years 2002-03 in order to finance the Tribes' obligations under the Global Settlement Agreement and the Ownership and Operating Agreement.

My Indian Name is "Shining Shield," my story is alive.

Chris Simon (Shining Shield), age 29, Professional Hockey Player for the NHL's Washington Capitals, Ojibwa, knows the importance of keeping the story alive. He is one of the many people the Smithsonian's National Museum of the American Indian can call friend and supporter. He knows that he is helping to preserve the rich culture of his people. **Preservation for generations.** He knows that someday his great-granddaughter will thank him.

The stories are about me and they are about you.

The NMAI is working to make sure that the tradition is continued. The museum in collaboration with Native peoples is dedicated to the preservation, study and exhibition of the life, languages, history and arts of the Americas. Currently the NMAI is building a museum in Washington, D.C. next to the U.S. Capitol, where these powerful stories will be kept alive.

Help Keep the Stories Alive.
For as little as \$20 join the Smithsonian National Museum of the American Indian.
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